



Criminal Justice Mental Health
CONSENSUS PROJECT
coordinated by the
Council of State Governments

JUDGES' CRIMINAL JUSTICE/MENTAL HEALTH LEADERSHIP INITIATIVE

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Judges' Leadership Initiative

Recognizing the critical role of judges as leaders and champions of efforts to improve responses to people with mental illness in contact with the criminal justice system, the GAINS TAPA Center for Jail Diversion and the Criminal Justice/Mental Health Consensus Project, have established, under the leadership of Justice Evelyn Stratton and Judge Steven Leifman, the Judges' Criminal Justice/Mental Health Leadership Initiative ("Judges' Leadership Initiative").

The purpose of this initiative is to facilitate an ongoing conversation and opportunities for information-sharing among judges about their roles in interacting with people with mental illness and the mental health system and about their efforts to champion initiatives, both within their court systems and in their states generally, to improve outcomes for these people. Central to the Judges' Leadership Initiative is coordination with other judicial organizations to create a network of judges, including both judges who have already taken leadership roles on this issue and those judges not yet involved in efforts to address the overrepresentation of people with mental illness in the criminal justice system.

While mental health courts are an increasingly popular response, this initiative recognizes that these courts represent just one of the many strategies communities have employed to address problems at the intersection of mental health and criminal justice. Other responses include post-booking jail diversion programs that do not rely on specialized dockets.

Interest in this initiative was expressed by attendees at a judges' breakfast meeting at the GAINS Center 2004 National Conference in Las Vegas. Following this meeting, the Consensus Project, the GAINS TAPA Center, and Initiative co-chairs Justice Evelyn Stratton and Judge Steven Leifman conducted initial planning meetings. Discussions underscored the importance of coordinating efforts with existing associations serving judges. Towards this end, Judges' Leadership Initiative coordinators have begun conversations with leadership of the National Center for State Courts and two of its affiliated associations, the

Conference of Chief Justices and the Conference of State Court Administrators, about how to coordinate efforts and leverage resources that target this issue area. Future discussions with these and other judicial organizations, including the National Judicial College, the National Drug Court Institute, and other associations serving judges, are planned.

The June 20th, 2005 Judges' Criminal Justice/Mental Health Leadership Initiative meeting at the *Mental Health Courts and Beyond Conference* in Los Angeles is an opportunity to engage a group of judges active in this arena and discuss ideas for the future of the initiative. ■

Message from the Co-Chairs

Welcome to the first issue of the Judges' Criminal Justice/Mental Health Leadership Initiative Newsletter. Thanks to the foresight and commitment of Hank Steadman of the GAINS TAPA Center for Jail Diversion and Mike Thompson of the Council of State Governments, we begin this exciting and ground-breaking initiative. All of us involved with the criminal justice system know that our nations' jails and prisons have become prime locations for treating people with mental illnesses. Last year alone, approximately 900,000 people with active symptoms of serious mental illness were booked into U.S. jails. On any given day, there are between 300,000 and 400,000 individuals with mental illnesses in jails and prisons across the country, and another half a million on probation. This is having a profound impact on the criminal justice system — one that most members of the judiciary are ill prepared to deal with. People with mental illnesses generally stay in jail significantly longer, and at greater cost, than individuals without mental illnesses who are arrested for the same offenses.

As judges, we are in the unique position to help bring communities together to deal effectively with this difficult and complex problem. Our goal through this initiative is to

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Spotlight On...



The Ohio Supreme Court Advisory Committee on Mentally Ill in the Courts

The Supreme Court of Ohio Advisory Committee on Mentally Ill in the Courts (ACMIC) was founded in June 2001 through the leadership of Ohio Supreme Court Justice Evelyn L. Stratton. The ACMIC was established to examine the needs of individuals with mental illness caught in the revolving door of the criminal justice system and to develop and promote solutions through the fostering and support of local task forces in each Ohio county. The ACMIC encourages counties to develop a coordinated response that includes the establishment of mental health specialty dockets and the provision of Crisis Intervention Team (CIT) training to law enforcement officers.

Since its inception, the ACMIC has grown to over 50 members, including representatives from several state agencies, political entities, community-based service providers, consumers, and advocates, in addition to judges and law enforcement representatives. Nearly a dozen working subcommittees are in operation.

ACMIC has been active in community education and influencing policy. It has engaged in the following activities:

- Assisting in drafting Ohio statutes and reviewing and commenting upon Federal legislation, including the 2001 *America's Law Enforcement and Mental Health Project Act* and the 2004 *Mentally Ill Offender Treatment and Crime Reduction Act* (see Justice Stratton's Senate Judiciary Committee testimony at www.sconet.state.oh.us/ACMIC/).

- Sponsoring since 2003 an annual National Conference on Mental Illness and the Criminal Justice System in collaboration with Capital University Law School and NAMI Ohio. The most recent conference was held on May 12–13, 2005, in conjunction with the 1st Annual National Crisis Intervention Team Conference, which drew a crowd of over 700 participants (see conference website <http://www.law.capital.edu/micj/> for more information).
- Developing a number of articles, and technical assistance and training tools.

For more information, visit www.sconet.state.oh.us/ACMIC/



Miami-Dade County Bond to Construct Forensic Mental Health Facility

In November 2004, Miami-Dade County voters approved, as part of the 2004 General Obligation Bond Program for *Building Better Communities* Bond Program, \$22 million dollars to fund the construction of a mental health facility, which will include a short-term residential and receiving facility. In today's world this is an almost unheard of accomplishment. This facility is designed to "free up jail space and to provide an effective and cost-efficient alternative [to the jail] facility to house the mentally ill as they await a trial date." The need for this facility was affirmed in a recommendation of a 2004 grand jury report entitled *Mental Illness and the Criminal Justice System: A Recipe for Disaster / A Prescription for Improvement*. Instrumental to the passage of the bond to construct this facility was the efforts of the local Partners in Crisis advocacy group and Judge Steven Leifman to educate County Commissioners and others on the inappropriateness of jail for housing many people with mental illness.

resources at the ready **GAINS Center/Consensus Project Program Database**

The National GAINS Center and the Criminal Justice / Mental Health Consensus Project have partnered to create a national database of programs serving adults with mental illness and co-occurring substance use disorders in contact with the criminal justice system. This online resource builds upon the database of program profiles established and maintained on the Consensus Project website and the extensive library developed by the National GAINS Center. The integrated database will be fully searchable by program type, state/region, and other program features.

In an effort to build this comprehensive, national database, the GAINS Center and Consensus Project have developed a series of surveys designed to capture information on different types of programs serving people with mental illness, including jail diversion programs. Visit www.gainscenter.samhsa.gov and click on "database" or www.consensusproject.org and click on "program profiles."

looking ahead...

The GAINS Center's National Conference will be held April 5–7, 2006 in Boston, MA. As during the 2004 GAINS National Conference, a special meeting will be convened for the judges in attendance through the Judges' Criminal Justice/Mental Health Leadership Initiative. In addition, GAINS will be actively seeking proposals for workshops designed by and/or for members of the bench. A call for workshop proposals will be released in the fall of 2005—GAINS encourages judges who are active in programs that serve individuals with mental illness to partner with their community stakeholders or with other judges in developing workshop submissions.

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assure that the best current research and information on this subject is available to members of the judiciary who are either interested in or already committed to improving their mental health/criminal justice system; and to reach out to members of the judiciary around the country in an effort to enlist more judges in this important effort. Our experience shows that as members of the judiciary we can play a critical and helpful role in bridging the gap between the many different and diverse individuals and systems that make up our “mental health system.” We look forward to working with you and learning from you as we begin this exciting and important journey.

Hon. Evelyn Stratton

Associate Justice, Supreme Court of Ohio

Hon. Steven Leifman

Associate Administrative Judge

Miami-Dade County Court Criminal Division

New Publications from GAINS TAPA and The Consensus Project

- ***A Guide to Mental Health Court Design and Implementation***—draws upon lessons learned from BJA grantee courts and other courts and addresses key issues such as determining whether a mental health court is a good fit for a jurisdiction, identifying a target population, administering the court, and sustaining a court's operation.
 - ***Navigating the Mental Health Maze: A Guide of Court Practitioners***—offers a basic overview of mental illness, including symptoms, diagnosis, and treatment, and discusses the coordination of the community-based mental health system and court-based services.
 - ***A Guide to Collecting Mental Health Court Outcomes Data***—provides practical strategies to both well-established and newly operating courts for deciding which data to collect and for obtaining, evaluating, and comparing the data; identifies potential solutions to common obstacles to outcomes evaluation.
 - ***What is a Mental Health Court?—**Coming Soon*****—provides a description of what is (and what is not) a mental health court and an update about the status of these courts across the country; addresses questions such as why jurisdictions have launched mental health courts and emerging trends in mental health court design.
- The above documents are available at: www.consensusproject.org/infocenter/news/may-2005/policy-briefs
- ***An Overview of the Mental Health Service System for Criminal Justice Professionals***—is a companion to the GAINS TAPA Center's 2004 publication: *Working with People with Mental Illness Involved in the Criminal Justice System: What Mental Health Service Providers Need to Know*. This new volume provides criminal justice professionals with basic information about the adult mental health service system, and it highlights some of the common challenges encountered when working with people with mental illness in contact with the justice system. Download at www.gainscenter.samhsa.gov/html/resources/publications.asp
 - ***Evaluating Jail Diversion Outcomes: Making the Case for Jail Diversion***—led by Judge Steven Leifman and TAPA Center Director Henry J. Steadman, this Net-Teleconference highlighted Judge Leifman's use of jail diversion outcomes data to advocate for his program and provided tips for evaluating jail diversion programs on a shoestring. A replay is available at www.gainscenter.samhsa.gov/html/resources/presentations.asp
 - ***Mental Health Courts: A National Snapshot***—presents up-to-date aggregate information on about 90 mental health courts across the country, including geographic distribution, client information, data collection strategies, and other aspects of these specialty courts that help mental health court judges determine how their court fits in the national context. Visit www.consensusproject.org/mhcourts/national-snapshot

What the Research Says...

Highlights from recent articles and publications:

From referral to disposition: Case processing in seven mental health courts

Steadman, H.J., Redlich, A.D., Griffin, P., Petrila, J., & Monahan, J. (2005). *Behavioral Science and the Law* 23: 215–226.

This study examined seven BJA-funded mental health courts to determine 1) how cases were referred, processed and disposed of by the courts; and 2) whether there were factors that distinguished cases *accepted* by the court from cases *referred* to the court. Analysis revealed that the primary sources of referrals to the courts were public defenders and other judges or magistrates in the court system, and that the individuals referred to the mental health courts were more likely to be older, White, and female than their representation in the criminal justice system would predict. However, the researchers found that race, age, and gender were not predictive of acceptance decisions, indicating that this overrepresentation is more a function of who is referred than who is accepted.

Assessing the effectiveness of jail diversion programs for persons with serious mental illness and co-occurring substance use disorders

Steadman, H.J. & Naples, M. (2005). *Behavioral Sciences and the Law* 23: 163–170.

This paper examined the effectiveness of six jail diversion programs participating in a Federally funded research study. Analysis suggests that jail diversion reduces time spent in jail without increasing the public safety risks, while linking participants to community-based services.

How and Why Medicaid Matters to People with Serious Mental Illness Released from Jail

Available online at www.consensusproject.org/downloads/Summary_Researchfinal.pdf

The Criminal Justice/Mental Health Consensus Project has published a series of fact sheets and case studies examining research on the effects of Medicaid enrollment on recidivism among people with mental illness, as well as on those individuals' ability to access treatment services upon their return to the community. Among the findings highlighted is research demonstrating that the continuation of treatment services initiated in jail upon reentry can facilitate recovery and reduce recidivism and that enrollment in Medicaid increases an individual's ability to access treatment services in the community. This fact sheet is accompanied by four case studies of states that used innovative approaches to ensure Medicaid enrollment upon release.

The Judges' Criminal Justice/Mental Health Leadership Initiative Newsletter is published by the GAINS TAPA Center for Jail Diversion and the Criminal Justice / Mental Health Consensus Project.

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The Criminal Justice / Mental Health Consensus Project, coordinated by the Council of State Governments, serves as technical assistance provider for the Mental Health Courts Program, an initiative of the Bureau of Justice Assistance of the Office of Justice Programs.

To reach us...

GAINS TAPA Center
345 Delaware Avenue
Delmar, New York 12054
Toll-free: 866-518-TAPA (8272)
Fax: 518-439-7612
Email: tapacenter@prainc.com
www.gainscenter.samhsa.gov

The Consensus Project
Council of State
Governments / Eastern Region
40 Broad Street, Suite 2050
New York, NY 10004
Phone: 212-482-2320
Fax: 212-482-2344
www.consensusproject.org

on the docket

National Association of Court Management

Hyatt Regency • San Francisco, California.

July 10–14, 2005

www.nacmnet.org

National Association of State Judicial Educators

2005 NASJE Annual Conference

Savannah, Georgia

August 21–24, 2005

<http://nasje.unm.edu>

American Judges Association

2005 Annual Educational Conference

Hotel Captain Cook • Anchorage, Alaska

September 18–23, 2005

<http://aja.ncsc.dni.us>

National Judicial College

Managing Cases Involving Persons with Mental Disabilities
Reno, NV

October 17–18, 2005

www.judges.org

NDCI Drug Court Judicial Training

National Judicial College

Reno, NV

October 18–22, 2005

www.ndci.org/training.htm

The GAINS Center 2006 National Conference

Park Plaza Hotel • Boston, MA

April 5–7, 2006

www.gainscenter.samhsa.gov